

Dear Dave,

8/15/80

After a good night's sleep Tuesday following the good feeling of Ted Kennedy's magnificent speech I awakened Wednesday, a little later than usual, with the realization that I'm probably going to be tired always. I now am every morning and sometimes for longer. It got me to thinking and I decided that I simply must detach myself from the endless litigation. I'll have no losses, no defeats. Only fewer accomplishments at getting things out. On balance I believe that what I can do with the time I'll save is now more worthwhile. It also is apparent that with the shift toward reaction, which I believe will last until there is a major disaster, the courts are shifting, too.

What I can accomplish administratively in FOIA I do not know, but I have pending requests that I can pursue and get what I can. Much will depend on the battle over the revocation of the fee waiver. Jim has not yet gotten to that, and if he has to argue it in the JFK case with the fink judge Smith we'll lose. I've undertaken to fight it in the King political case, which is not in court. I've spoken to Shea about combining the King political argument consideration with the case before Green and maybe will be able to discuss it with Jim today, when I have to go to Washington for a hearing in it. We'll have a better chance before that judge, tired as she is of us and this case. However, getting the King political files is worth a fight. I may be better off that the FBI decided to start this newest effort to stop me with that material. First there is the subject matter and my position in that regard and second, there is the fighting I can do myself, well begun with some immediate initiatives I'll be following up on after today's hearing. (I rather suspect there will be some decisions today.)

What I want to do is get back to writing. I'll not be able to do it as well now but I want to do it, whether or not I can publish. And I want no deadlines that seriously interfere with the exercise that is essential to my health. I've had to give too much of that up lately and for too long and I feel it. My legs do also, I fear. (I'll learn more about this this morning, I suspect, when I walk from the bus station to the courthouse. It has always been an easy and an enjoyable walk. I latched onto some great stuff for JL yesterday and thought of calling him to ask him to meet me at the bus station and walk or cab to the courthouse so we'd have more time for talking about it but decided against it.) When at 5 a.m. it is already 82 in DC I'll get a test.)

First will be the King book the discarded draft of which is titled The King Conspiracies. I've decided to start the new one with the chapter from it titled Dead in Battle, the conjecture that Battle had his heart attack while drafting a new trial order. If you have a good physical description of him I can use it. None of my sources there has responded, which I am inclined to attribute to Lane. Jerry likes my general outline, which is not on paper. The old one is, and by and large I'll follow it. Relatively short text and heavy appendix.

While writing also is a demanding master, I think I'll be able to spend more time in physical exercise when I'm doing it.

I've been preparing Jim for this and I'll have to tell him today if there is time. I must also try to get to the Jobst people, those who provide the supports I wear, and I have to be at the bus station by 1:30, so if the session lasts long I'll not have much time for talking with him.

He finally got around to preparing the will. It is enclosed. You are not allowed to make a xerox of the original, so you have what is allowed. I'll be filing the original with the local register of wills after Jim prepares a codicil and perhaps Ed prepares hers. Until then she'll have the original and JL and HR will have other copies.

best to you all,